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December 10, 2003

Sent via Facsimile

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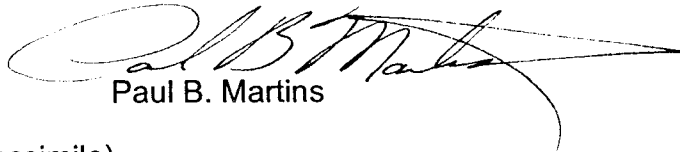
Geri H. Geiler, Esq.
Julie F. Bissinger, Esq.
Assistant City Solicitors
Room 214, City Hall
801 Plum Street
Cincinnati, Ohio 45202

**Re: *Estate of Roger D. Owensby, Jr. v. City of Cincinnati, et al.,
Case No. 01-CV-769 (S.D. Ohio)***

Dear Counsel:

On November 3, 2003 Plaintiff served by fax and U.S. mail his Fifth Request for Production of Documents seeking the production of the hooded sweatshirt allegedly removed by Officer Hunter on September 27, 2000. The document request also seeks any associated documentation related to the hooded sweatshirt, including any property receipt, property report and chain of custody documentation. The City's response to Plaintiff's Fifth Request for Production of Documents was due last week, on December 3, 2003. As has been the case with Plaintiff's Second, Third and Fourth Request for Production of Documents, the City has failed to produce any written response to Plaintiff's Fifth Request for Production of Documents, as required by Rule 34(b), Fed. R. Civ. P. Please immediately provide your response and the requested documents. Please also note that all objections are waived because of your failure to timely respond to these document requests. *Id.*; *Bailey v. Container Corp. of America*, 36 Empl. Prac. Dec. ¶ 35,096 (S.D. Ohio 1984) (Porter, S.J.).

Sincerely,



Paul B. Martins

PBM:kmr

cc: Mark T. Tillar, Esq. (via facsimile)
John J. Helbling, Esq. (via facsimile)
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EXHIBIT C